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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,566	05/10/2001	Manfred T. Reetz	STUDIEN 282-	6932

7590

08/05/2003

Norris McLaughlin & Marcus  
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New York, NY 10017

EXAMINER

LOVERING, RICHARD D

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/831,566	5/10/01	REETZ	1007-16-36/ STUDIES 287

EXAMINER	
LOVERING	
ART UNIT	PAPER NUMBER
1712	12

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application

## COMMISSIONER OF PATENTS AND TRADEMARKS

## ADVISORY ACTION

☐ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run \_\_\_\_\_ or continues to run \_\_\_\_\_ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☒ Applicant's response to the final rejection, filed JULY 28, 2003 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - ☒ They raise new issues that would require further consideration and/or search. (See Note).
  - ☒ They raise the issue of new matter. (See Note).
  - ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: AS TO b) ABOVE "COMPLETELY RE-DISPERSIBLE IN WATER" IS NOT THE SAME OR EQUIVALENT TO "100% WATER-SOLUBLE". ALSO, IF YOU HAD 100% WATER SOLUBLE METAL OXIDES, THEY WOULD YIELD A TRUE SOLUTION IN WATER, NOT A COLLOIDAL DISPERSION OR NANODISPERSION.

2. ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: 25, 31, 34 AND 38-45  
Claims objected to: 25, 31, 34 AND 38-45  
Claims rejected: 21-24, 26-30, 32, 33, AND 35-37

However:

- ☒ Applicant's response has overcome the following rejection(s): 102(b) REJECTION OVER BONIFEMANN ET AL. WO 96/1685, AND 103(a) REJECTION BASED ON BONIFEMANN ET AL. IN VIEW OF DAY ET AL. 4,197,187.
4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because SEE ATTACHMENT
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.
- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.
- ☐ Other

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6. Claims 25, 31, 34 and 38-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicants' arguments filed July 28, 2003 have been fully considered but they are not deemed to be persuasive. Moumen doesn't teach that his nanosized cobalt/iron mixed metal oxides are stable against undesired agglomeration "only if large amounts of an organic solvent are used". In this connection, see V, Synthesis and Characterization of  $\text{CoFe}_2\text{O}_4$  Nanosized Particles, wherein the originally obtained precipitate redispersed (apparently completely) in a pure, bulk aqueous phase.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lovering whose telephone number is (703) 308-0443. The examiner can normally be reached on Mon.-Fri. from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson, can be reached on (703) 308-2340. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

R. Lovering:cdc  
August 1, 2003

*Richard D. Lovering*  
RICHARD D. LOVERING  
PRIMARY EXAMINER  
GROUP 1700